

REMARKS

In response to the Office Action dated April 26, 2005, Applicants respectfully request reconsideration based on the above amendments and following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1, 2 and 4 were rejected under 35 U.S.C. § 103 as being unpatentable over Zey in view of Malik. This rejection is traversed for the following reasons.

Claim 1 recites a method for making a long distance or international telephone call comprising, in pertinent part, "responding to a calling plan service announcement identifying multiple calling plans by entering a selection responsive to whether the long distance call is to be billed to a home long distance calling plan, a calling card plan, or a toll-free calling plan." Neither Zey nor Malik teaches or suggests this feature.

In Zey, the call is billed to a calling card. This is the only billing option presented in Zey. The Examiner cites to sections of Zey discussing calling card features, one of which is referred to as accounting codes. The Examiner is apparently relying on the term "accounting codes" as support for the other claimed calling plans, such as home long distance calling plan and toll free calling plan. It is not clear how "accounting codes" corresponds to these types of calling plans. Accounting codes refer to codes through which a caller may associate a call with a category that a customer may specify for their internal audit/call management purposes. Thus, claim 1 is considered allowable over any combination of Zey and Malik.

Furthermore, claim 1 is related to long distance or international calls and recites "entering the long distance telephone number or international telephone number to which the call is to be placed to complete the call." Zey is specifically directed to establishing local calls. Thus, it is not clear why one of ordinary skill in the art would use the system of Zey to complete long distance or international calls, as Zey is directed to handling local calls from a payphone.

For at least the above reasons, claim 1 is patentable over Zey in view of Malik. Claims 2 and 4 depend from claim 1 and are patentable over Zey in view of Malik for at least the reasons advanced with reference to claim 1.

Claims 5-8 and 10-13 were rejected under 35 U.S.C. § 103 as being unpatentable over Malik in view of Zey. This rejection is traversed for the following reasons.

Claim 5 recites "prompting a caller to select from multiple calling plans whether the call is to be billed to the caller's home long distance calling plan, the caller's calling card plan, or the caller's toll-free calling plan." Neither Malik nor Zey teaches or suggests this feature. Malik is concerned with billing a call to a caller's home phone number. There is no option in Malik to select alternate billing options. Zey is directed to billing local calls to a calling card. As discussed above, the reference to "accounting codes" in Zey does not reference alternate billing plans, but rather refers to codes through which a caller may associate a call with a category that a customer may specify for their internal audit/call management purposes. Thus, claim 5 is considered allowable over any combination of Malik and Zey.

For at least the above reasons, claim 5 is patentable over Malik in view of Zey. Claims 6-8 and 10 variously depend from claim 5 and are patentable over Malik in view of Zey for at least the reasons advanced with reference to claim 5. Claim 11 recites features similar to those discussed above with reference to claim 5 and is patentable over Malik in view of Zey for at least the reasons advanced with reference to claim 5. Claims 12 and 13 depend from claim 11 and are patentable over Malik in view of Zey for at least the reasons advanced with reference to claim 11.

Claim 15 was rejected under 35 U.S.C. § 103 as being unpatentable over Malik in view of Zey and Kruger. This rejection is traversed for the following reasons. Kruger was relied upon for disclosing an indicator of an international call, but fails to cure the deficiencies of Malik in view of Zey discussed above with reference to claim 11. Claim 15 depends from claim 11 and is patentable over Malik in view of Zey and Kruger for at least the reasons advanced with reference to claim 11.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

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